

ORIGINAL



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Malvia M. Freckleton

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Mercy College NY
Susan Moscon
Miriam Ford

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil
Rights

(Non-Prisoner Complaint)

Case No. CV 22-0991

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

DONNELLY, J.

BLOOM, M.J.

2022 MAR -3 PM 4:41
CLERK
U.S. DISTRICT COURT
E.D.N.Y.

FILED

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Malvia M. Freckleton</u>
Street Address	<u>5210 Church Ave Apt 1R</u>
City and County	<u>Brooklyn</u>
State and Zip Code	<u>NY 11203</u>
Telephone Number	<u>347-622 6800</u>
E-mail Address	<u>Freckleton33@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>Mercy College NY</u>
Job or Title (if known)	<u>Dobbs Ferry Campus</u>
Street Address	<u>555 Broadway</u>
City and County	<u>Dobbs Ferry</u>
State and Zip Code	<u>NY 10522</u>
Telephone Number	<u>914-674-7600</u>
E-mail Address (if known)	<u>www.mercy.edu</u>

Defendant No. 2

Name

Ms. Susan Moscou

Job or Title
(if known)

Executive Director, Nursing Program

Street Address

555 Broadway

City and County

Dobbs Ferry

State and Zip Code

NY 10522

Telephone Number

914-674-7866

E-mail Address
(if known)

smoscou@mercy.edu

Defendant No. 3

Name

Ms. Miriam Ford

Job or Title
(if known)

Chief Nurse Administrator,
Associate Dean DF and MTA Nursing Program

Street Address

555 Broadway

City and County

Dobbs Ferry

State and Zip Code

NY 10522

Telephone Number

914-674-7860

E-mail Address
(if known)

mford@mercy.edu

Defendant No. 4

Name

Job or Title
(if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address
(if known)

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Mercy College NY at 555 Broadway
Dobbs Ferry, NY 10522

- B. What date and approximate time did the events giving rise to your claim(s) occur?

August 27, 2019 @ 5:04 PM

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

- student # 20263639.
- ① Discriminated by failing to acknowledge my Admission as a Black Student.
 - ② Retaliation email from Mercy College "Do not come here" "Cease all communication with the Nursing Department" and "Do not go to any of our Mercy College", From Susan Moscon.
 - ③ Racial Discrimination in white privilege School. Miss Jamie Keroza spoke with me at Mercy College. Susan Moscon and Miriam Ford
 - ④ Title VI of Civil Rights discrimination Based on Disability
 - ⑤ Breach of Contract
 - ⑥ Fraud as a student I was offered placement when enrolling at Mercy College.
 - ⑦ Unfair Expulsion
 - ⑧ Intentional Acts

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Severe Emotional Distress = Counseling & Medication
Pain and Suffering = Counseling & Medication

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

① BSN Nursing Degree Prejudgment
or

(a) Emotional Damages = \$70 Million

(b) Punitive Damages = \$150 Million

(c) Compensatory Damages = \$80 Million
US = \$300,000,000

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/03, 2022

Signature of Plaintiff



Printed Name of Plaintiff

Malvia M. Freckleton